

MINETTA BOWMAN and DAVID)	
FEYRER, individually and as the)	
Parents and guardians of D.F., a minor)	
Child,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 09-1083
)	
FREMIET COLOMER, FLEITAS)	
TRANSPORT, INC., TRANS PRO)	
FREIGHTWAYS, INC., THE SIMPLEX)	
GROUP, INC., AND ELECTRIC)	
INSURANCE COMPANY)	
)	
Defendants.)	

AMBROSE, District Judge

OPINION AND ORDER OF COURT

Plaintiffs seek to prevent Defendant Trans Pro Freightways, Inc. from apportioning any blame upon The Simplex Group, Inc. and ask this Court for a declaration that Trans Pro had a non-delegable duty to follow Federal Motor Carrier Safety Regulations. (See ECF Docket No. [158]). Trans Pro does not oppose the Motion in general, but does object to some of the

Plaintiffs' phrasing of the regulations. It has offered an alternative proposed Order, which the Plaintiffs accept and which this Court will adopt.

Accordingly, this 18th day of August, 2011, the Plaintiffs' Motion in Limine (ECF Docket No. 158) is GRANTED as follows:

1. Trans Pro Freightways, Inc. had a non-delegable duty to follow the Federal Motor Carrier Safety Regulations.
2. Trans Pro Freightways, Inc. cannot attempt to apportion any negligence to The Simplex Group, Inc.

By the Court:

/s/ Donetta W. Ambrose

Donetta W. Ambrose

Senior Judge, U.S. District Court